

HOUSE BILL NO. 302

INTRODUCED BY D. KOTTEL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CHILD SUPPORT OBLIGATIONS OF INMATES;
AND AMENDING SECTIONS 53-30-111 AND 53-30-132, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-30-111, MCA, is amended to read:

"53-30-111. Clothing and money furnished on discharge or parole. The state prison shall furnish suitable clothing to a discharged or paroled inmate. An inmate discharged and delivered to the custody of the federal government or another state must receive \$5. All other discharged or paroled inmates may receive "gate money" in an amount up to \$100. Subject to the limits on withholding for specific purposes provided in 53-30-132, the department of corrections may establish rules that allow it to deduct up to one-fourth of an inmate's wages earned under 53-30-132 and hold that money in a special account to be disbursed to the inmate when the inmate is discharged or paroled. This amount is in addition to the "gate money"."

Section 2. Section 53-30-132, MCA, is amended to read:

"53-30-132. Inmate participation and status in prison work programs -- prison industries and vocational training program -- wages and benefits. (1) The department of corrections may:

(a) establish prison industries that will result in the production or manufacture of products and the rendering of services that may be needed by any department or agency of the state or any political subdivision of the state, by any agency of the federal government, by any other states or their political subdivisions, or by nonprofit organizations and that will assist in the rehabilitation of inmates in institutions;

(b) obtain federal certification of specific prison industries programs in order to gain access to interstate markets for prison industries products;

(c) contract with private industry for the sale of goods or components manufactured or produced in shops under its jurisdiction and for the employment of inmates in federally certified prison industries programs;

(d) print catalogs describing goods manufactured or produced by prison industries and distribute the catalogs;

1 (e) fix the sale price for goods produced or manufactured by prison industries. Prices may not exceed
2 prices existing in the open market for goods of comparable quality.

3 (f) require a correctional facility to purchase needed goods from other correctional facilities;

4 (g) provide for the repair and maintenance of property and equipment of institutions by inmates;

5 (h) provide for the removal of graffiti from property and equipment of institutions and the removal of litter
6 from the property of institutions, public roads, and public parks by inmates;

7 (i) provide for construction projects, up to the aggregate sum of \$200,000 for each project, performed
8 by inmates. The department of administration may:

9 (i) exempt projects authorized by this subsection from the provisions of Title 18, chapter 2, relating to
10 construction, public bidding, bonding, or contracts; and

11 (ii) exempt inmates who provide labor for those projects from the labor and wage requirements of Title
12 18, chapter 2, part 4. Inmates providing labor for projects under this subsection must be paid a rate of pay as
13 provided in subsection ~~(5)~~ (6).

14 (j) provide for the repair and maintenance by prison industries of furniture and equipment of any state
15 agency;

16 (k) provide for the manufacture by prison industries of motor vehicle license plates and other related
17 articles;

18 (l) sell manufactured or agricultural products and livestock on the open market;

19 (m) provide for the manufacture by prison industries of highway, road, and street marking signs for the
20 use of the state or any of its political subdivisions, except when the manufacture of the signs is in violation of a
21 collective bargaining contract;

22 (n) pay an inmate from receipts from the sale of products produced or manufactured or services
23 rendered in a program in which the inmate is working;

24 (o) collect 15% of the gross wages paid to an inmate employed in a federally certified prison industries
25 program, to be deposited in a department restitution fund and used to satisfy any unpaid restitution obligation of
26 the inmate or, if the obligation has been fully paid or no restitution was ordered, for transfer quarterly to the crime
27 victims compensation and assistance program in the department of justice for deposit in the state general fund
28 as provided in Title 53, chapter 9, part 1; ~~and~~

29 (p) collect up to 50% of the gross wages paid to an inmate employed in a federally certified prison
30 industries program to be used to satisfy an established child support obligation of the inmate, which has priority

1 over any other deduction authorized by this subsection (1):

2 ~~(p)(g)~~ collect from an inmate employed in a federally certified prison industries program charges for room
3 and board consistent with charges established by the director for inmates assigned to prerelease centers.

4 (2) The maximum amount that may be deducted from an inmate's monthly wages may not exceed 80%
5 of the net amount after deduction of applicable taxes.

6 ~~(2)(3)~~ Except as provided in subsection ~~(3)~~ (4), furniture made in the prison may be purchased by state
7 agencies in accordance with the procurement provisions under Title 18, chapter 4. All other prison-made furniture
8 may be sold only through licensed wholesale or retail furniture outlets or through export firms for sale to
9 international markets.

10 ~~(3)(4)~~ Any state institution, facility, or program operated by the department of corrections may purchase
11 prison-made furniture without complying with the procurement provisions under Title 18, chapter 4.

12 ~~(4)(5)~~ While engaged in on-the-job training and production, inmates not employed in a federally certified
13 prison industries program may be paid a wage in accordance with subsection ~~(5)~~ (6). Inmates employed in a
14 federally certified prison industries program must be paid as provided in subsection ~~(5)~~ (6).

15 ~~(5)(6)~~ (a) Except as provided for in subsection ~~(5)(b)~~ (6)(b), payment for the performance of work may
16 be based on the following criteria:

17 (i) knowledge and skill;

18 (ii) attitude toward authority;

19 (iii) physical effort;

20 (iv) responsibility for equipment and materials; and

21 (v) regard for safety of others.

22 (b) The maximum rate of pay must be determined by the appropriation established for the program,
23 except that an inmate employed in a federally certified prison industries program must be paid at a rate not less
24 than the rate paid for similar work in the locality where the inmate performs the work.

25 ~~(6)(7)~~ Premiums for workers' compensation and occupational disease coverage for federally certified
26 prison industries programs must be paid by the prison industries program or by the department of corrections.
27 If the department of corrections pays the premium, reimbursement for premium payments for workers'
28 compensation and occupational disease coverage must be made to the department of corrections by the private
29 company contracting with the federally certified prison industries program for services and products.

30 ~~(7)(8)~~ Inmates not working in a federally certified prison industries training program are not employees,

1 either public or private, and employment rights accorded other classes of workers do not apply to the inmates.
2 Inmates working in a federally certified prison industry program are entitled to coverage and benefits as provided
3 in 39-71-744.

4 ~~(8)~~(9) Able-bodied persons committed to a state prison as adult offenders must be required to perform
5 work as provided for by the department of corrections, including the manufacture of products or the rendering of
6 services. In order to ensure the public safety, the department may secure inmates performing work."

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